

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

August 16, 2019

Caroline Haskins
77794-96287117@requests.muckrock.com

Re: OSTP-FOIA-19-072

Dear Ms. Haskins:

This letter is in final response to a Freedom of Information Act (henceforth “FOIA”)¹ request submitted to the Office of Science and Technology Policy (hereafter “OSTP”) on July 23, 2019. The request seeks records related to a “Bloomberg report stat[ing] that senior White House[] [OSTP] adviser Jack Wilmer attended a dinner hosted by Teresa Carlson, an Amazon Web executive, and specifically requests:

- “Any and all emails between Jack Wilmer and Teresa Carlson,” including “emails where one or both parties are copied or blind copied;” and
- “Any and all Google calendar invitations in which Jack Wilmer and Teresa Carlson are either hosting the event, or invited to the event.”

Following receipt of the request, OSTP conducted a search of its files and located one record totaling 2 pages that it is releasing in part, with redactions taken pursuant to Exemption Six of the FOIA.² Below is the explanation for the exemption claimed and its applications to the responsive record regarding this request.

Exemption Six

Exemption Six of the FOIA protects the privacy interests of individuals.³ It permits an agency to protect information within “personal and medical files and similar files” if disclosure “would constitute a clearly unwarranted invasion of personal privacy.”⁴ To determine whether information may be withheld under Exemption Six, an agency must undertake a three-step analysis. First, the agency must determine whether a protectable privacy interest would be compromised by the disclosure of the record.⁵ If no privacy interest is identified, the information may not be withheld pursuant to the exemption.⁶ Second, the agency must determine whether the release of the document would further the public interest by shedding light on the operations and activities of the government.⁷ In cases where no public interest exists, “even a modest privacy interest[]” will outweigh it every time.⁸ Finally, the agency must balance the identified

¹ 5 U.S.C. § 552.

² 5 U.S.C. § 552(b)(6).

³ *Id.*

⁴ *Id.*

⁵ See *Multi AG Media LLC v. Dep’t of Agric.*, 515 F.3d 1224, 1229 (D.C. Cir. 2008).

⁶ *Id.*

⁷ See *id.*

⁸ *Nat’l Ass’n of Retired Fed. Employees v. Horner*, 879 F.2d 873, 879 (D.C. Cir. 1989).

privacy interests against the public interest in disclosure.⁹ In this case, e-mail addresses of OSTP employees are being withheld. Individuals, including OSTP employees, have a protectable privacy interest in maintaining the confidentiality of their email addresses as their release could potentially subject them to undue harassment by members of the public. Additionally, the release of this information does not shed light on the operations of the federal government. Accordingly, the privacy interests inherent in the withheld information outweigh the public interest in disclosure and the information may be withheld pursuant to Exemption Six.¹⁰

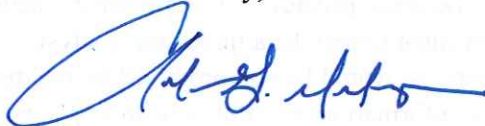
This completes the processing of the request and OSTP now considers the request closed. Pursuant to the FOIA and OSTP regulations, a requester may submit a written appeal contesting any adverse determination.¹¹ Any appeal related to OSTP's processing of the requested records must either be sent: 1) via e-mail to OSTPFOIA@ostp.eop.gov; or 2) by mail to Chief FOIA Officer, Office of Science and Technology Policy, Eisenhower Executive Office Building, 1650 Pennsylvania Ave., NW., Washington, DC 20504.¹² In the appeal letter, please specify OSTP Control No. 19-072, "the records requested, and the basis for the appeal."¹³ Any appeal must be sent to one of the above listed addresses no later than ninety (90) calendar days of the date of this letter.¹⁴

Finally, requesters also have the right to seek dispute resolution services from OSTP's FOIA Public Liaison or the Office of Government Information Services (hereafter "OGIS"). To employ these services, please contact Andrew Mendoza via telephone at (202) 456-4444 or by way of e-mail at OSTPFOIA@ostp.eop.gov. If you would prefer to contact OGIS, you may do so in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphia Road-OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: 1 (877) 684-6448

If you have any questions, please do not hesitate to contact me via telephone or by way of e-mail.

Sincerely,



Andrew G. Mendoza
Senior Legal Counsel and Policy Advisor

⁹ *Dep't of Defense v. Fed. Labor Relations Auth.*, 510 U.S. 487, 497 (1994).

¹⁰ 5 U.S.C. § 552(b)(6).

¹¹ 5 U.S.C. § 552(a)(6)(A)(i)(III)(aa); 32 C.F.R. § 2402.7(a).

¹² 32 C.F.R. § 2402.7(b).

¹³ *Id.*

¹⁴ 5 U.S.C. § 552(a)(6)(A)(i)(III)(aa).